**American Iron and Steel (AIS)**

**Guidance for Clean Water and Drinking Water State Revolving Fund (SRF)**

**Projects in North Carolina**

This State guidance summarizes the requirements under Subsection 436(a)(2) of the Consolidated Appropriations Act of 2014 P.L. 113-76 that SRF recipients only use iron and steel products produced in the United States. The Environmental Protection Agency (EPA) has provided full guidance on the requirements at the following website: <http://water.epa.gov/grants_funding/aisrequirement.cfm>.

Recipients of SRF awards must submit the executed *Certification for SRF Projects* and a list of any products that may potentially require a waiver from EPA, with their Bid Information Package. The recipient will not receive any funds if the State has not received these items.

Manufacturers can use the template “*Compliance Certification*” to document that materials are “produced in the United States.”

Outline of American Iron and Steel Section

1. Certification Statement for SRF Projects.
2. Waiver Instructions.
   1. National Waiver.
   2. Project Specific Waiver.
3. Materials covered by AIS.
4. Template *Compliance Certification* for Materials Covered by AIS:
   1. Step Certification Products Letter Template: Step Certification creates a paper trail which documents the location of the manufacturing process involved with the production of steel and iron materials. A Step Certification is a process by which each handler (supplier, fabricator, manufacturer, processor, etc.) of the iron and steel products certifies that their step in the process was domestically performed. Each time a step in the manufacturing process takes place, the manufacturer delivers its work along with a certification of its origin.
   2. Non-Step Certification Product Letter Template
5. Template for *De Minimis National Waiver List* to be used by Contractor.

**American Iron and Steel (AIS)**

**Certification Statement for State Revolving Fund (SRF) Projects**

|  |
| --- |
| Funding recipients of SRF awards must submit this executed form signed by both authorized representatives of the contractor and funding recipient. Provide a list of any products that may potentially require a waiver from EPA with the Bid Information package to the State SRF Program to receive funding. |

The \_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ certifies that their contractors performing construction, alteration, maintenance and repair of the public treatment works under project number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ will comply with subsection 436 (a)(2) of the Consolidated Appropriations Act of 2014 P.L. 113-76 and only use iron and steel products produced in the United States.

(Funding Recipient)

Contractor Owner

(print)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (print)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(sign and date) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (sign and date) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**American Iron and Steel (AIS)**

**National Waivers and Project Specific Waiver Instructions**

1. **National Waivers:**
   1. Approved EPA national waivers can be found at this website: <https://www.epa.gov/cwsrf/american-iron-and-steel-requirement-approved-national-waivers-0>.
      1. The De Minimis National Waiver Pursuant to Section 436 of P.L. 113-76, Consolidated Appropriations Act (CAA) (April 15, 2014) for iron and steel components is approved. An example table is included in this document for use in documenting materials utilized for the project on de minimis list.
   2. De Minimis National Waiver applies to incidental components. Visit EPA National Waiver website for de minimis Waiver for description of incidental components within a water infrastructure project.
   3. Note that no single de minimis item can be more than 1% of the total material cost of the project and the total of all de minimis items must not exceed 5% of the **total material cost of the project**.
2. **Project Specific Waiver Instructions:**
   1. Project specific waiver requests are provided for in subsection 436(b) of the Act. It states they will be granted if the Administrator of the EPA finds that:
      1. Applying subsection 436(a)(2) would be inconsistent with the public interest;
      2. Iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or
      3. Inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.
   2. If a project-specific waiver is required during the construction phase, submit waiver requests to the Division of Water Infrastructure (DWI) designated inspector identified in the Plans and Specifications Funding Approval Letter issued for the funded SRF project. The DWI inspector will forward the waiver to the designated EPA representative at the following email addresses for a final determination:
      1. For Clean Water SRF (CWSRF) funded projects [cwsrfwaiver@epa.gov](mailto:cwsrfwaiver@epa.gov)
      2. For Drinking Water SRF (DWSRF) funded projects [dwsrfwaiver@epa.gov](mailto:dwsrfwaiver@epa.gov)
      3. NOTE: SRF project numbers to be issued by the Division of Water Infrastructure starting with Fall 2023-approved projects are:
         1. SRF-W-XX-#### for CWSRF
         2. SRF-D-XX-#### for DWSRF

The current format CS######-## for CWSRF and WIF-#### for DWSRF will eventually phase out for projects approved in Spring 2023 and before.

* 1. A checklist of items for a complete waiver application package can be found in the EPA guidance document for AIS at:

<https://www.epa.gov/cwsrf/ais-waiver-request-checklist-assistance-recipients>

* 1. Once DWI Inspector submits the waiver to EPA on behalf of the funding recipient, EPA will perform the following actions with the waiver:
     1. Conduct product research to determine availability in the United States.
     2. Conduct a mandatory 15-day public comment period.
     3. After public comment, the waiver is sent to the Office of General Council (OGC) for review and concurrence.
     4. After OGC review, the waiver is approved by EPA leadership and posted to the EPA waiver website.
  2. Once the waiver is received from EPA, the funding recipient will need to maintain the waiver for three years after project closeout.

**American Iron and Steel (AIS)**

**Materials Covered by AIS**

1. Lined and unlined pipes and fittings, manhole covers, municipal castings (detailed below).
2. Hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel (detailed below).
3. Reinforced precast concrete and construction materials (detailed below).
4. Products must be composed of greater than 50% iron and steel measured by cost and permanently incorporated into the project to be subject to the provision.
5. NOTE: Mechanical and electrical components, equipment and systems are not subject to AIS.

|  |  |  |
| --- | --- | --- |
| **Municipal Castings** | **Structural Steel** | **Construction Material** |
| Access Hatches  Ballast Screen  Benches  Bollards  Cast Bases  Cast Iron Hinged Hatches  Cast Iron Riser Rings  Catch Basin Inlet  Cleanout/Monument Boxes  Construction Covers and Frames  Curb and Corner Guards  Curb Openings  Detectable Warning Plates  Downspout Shoes  Drainage Grates, Frames and Inlets  Inlets  Junction Boxes  Lampposts  Manhole Covers, Rings, Frames and Risers  Meter Boxes  Service Boxes  Steel Hinged Hatches  Steel Riser Rings  Trash Receptacles  Tree Grates  Tree Guards  Trench Grates  Valve Boxes, Covers and Risers | Wide Flange shapes  I-beams  Channels  Angles  Tees  Zees  H-piles  Sheet piling  Tie Plates  Cross Ties  (note: at least one dimension must be 3 inches or greater to be subject) | Wire Rod  Bar  Angles  Concrete Reinforcing Bar  Wire  Wire Cloth  Wire Rope and Cables  Tubing  Framing  Joists  Trusses  Fasteners  Welding Rods  Decking  Grating  Railings  Stairs  Access Ramps  Fire Escapes  Ladders  Wall Panels  Dome Structures  Roofing  Ductwork  Surface Drains  Cable Hanging Systems  Manhole Steps  Fencing and Fence Tubing  Guardrails  Doors  Stationary Screens |

**American Iron and Steel (AIS)**

**Template Compliance Certification for Materials Covered By AIS**

**(Step Certification Template Letter)**

Company Name:

Company Address:

SUBJECT: American Iron and Steel Certification for Project: (include name and/or NC Division of Water Infrastructure SRF project number here)

I\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, certify that the following products were produced at the following location or steps in the production of the listed products, occurred at the following location:

Location:

Product Step in production (Final production, melting, bending, etc.)

1)

2)

3)

Continue with list of products)

Therefore, these materials for the subject project are in full compliance with the American Iron and Steel requirement as mandated in EPA’s State Revolving Fund Programs.

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(signature and title of company representative) (date)

**American Iron and Steel (AIS)**

**Template Compliance Certification for Materials Covered By AIS**

**(Non-Step Certification Template Letter)**

Company Name:

Company Address:

SUBJECT: American Iron and Steel Certification for Project: (include name and/or NC Division of Water Infrastructure SRF project number here)

I\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, certify that the following products were produced at the following location or steps in the production of the listed products, occurred at the following location:

Location:

Product

1)

2)

3)

Continue with list of products)

Therefore, these materials for the subject project are in full compliance with the American Iron and Steel requirement as mandated in EPA’s State Revolving Fund Programs.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(signature and title of company representative) (date)

**American Iron and Steel (AIS)**

**Template *De Minimis National Waiver\** List**

**(to be used by Contractor)**

|  |  |
| --- | --- |
| **Item** | **Cost** |
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**Total De Minimis Cost:**

**Total Material Cost for Project:**

**De Minimis Cost Is \_\_\_\_\_\_\_\_\_\_\_\_\_% of total material costs.**

\*NOTE: The De Minimis National Waiver Pursuant to Section 436 of P.L. 113-76, Consolidated Appropriations Act (CAA) (April 15, 2014) requires the following limits for ***incidental material components***:

1. All products included in the project under the de minimis waiver must total less than 5% of the total materials cost of the project.
2. Any single product cannot be more than 1% of the total materials cost of the project.